

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	R. Rand Beers and Jami Miscik to Anthony Lake, re: Brown Commission Report (3 pages)	02/28/1996	P5
002a. memo	R. Rand Beers and Jami Miscik to Anthony Lake, re: Response to the Aspin-Brown Commission Report (1 page)	04/14/1996	P5
002b. memo	Anthony Lake to the President, re: Response to the Aspin-Brown Commission Report (4 pages)	ca. 04/1996	P5
002c. memo	John Deutch to the President, re: Intelligence Community Response to the Aspin-Brown Commission and Recommendations for an Administration Initiative (6 pages)	04/05/1996	P5
002d. list	Informal Summary of Individual Brown Proposals (6 pages)	ca. 04/1996	P5
002e. talking points	Talking Points (1 page)	ca. 04/1996	P5
003. memo	Rand Beers to Anthony Lake, re: Meeting with Harold Brown and Warren Rudman (2 pages)	02/14/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Intel-Beers
OA/Box Number: 2498

FOLDER TITLE:

Brown Commission Report & Combust Report, 1996 [1]

Kara Ellis
2006-1023-F
ke782

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

1313

February 28, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

Natl Sec Advisor
has seen

FROM: R. RAND BEERS *JM* JAMI MISCIK

SUBJECT: Brown Commission Report

Attached is the Executive Summary of the Brown Commission Report. It is divided into general and specific, chapter-related recommendations. A number of the recommendations are reaffirmations of conventional wisdom, such as the continuing need for an intelligence capability, which the Commission felt compelled to make in light of the current critical environment. The Administration can quickly and easily endorse the part of our initial reaction to the Report.

Most of the Report will require review. I have organized a study group chaired by Jeff Smith (CIA Legal Counsel), LTG Paul Dempsey (OSD) and myself. We are charing you, Deutch and White by Wednesday, March 1, for initial reactions:

*WRB 3/1
add to file*

Deutch
adding

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1. The Report (Chap. 3) calls for a Committee on Foreign Intelligence chaired by you, with the DCI and the DepSecs of State and Defense, to meet twice a year to provide broad guidance. Beneath this committee would be a DC-level Consumers Committee involving consumers and producers. This proposal only recognizes PDD-35 in passing. It does not acknowledge that the PDD-35 Committee, chaired by Leon Fuerth, is the equivalent of the Consumers Committee or that an annual review should accomplish the goals of the "broad guidance" which the Principals Committee is expected to promulgate. That said the recommendation comes from a long-heard complaint around the community that they never get guidance from policy makers. Making the PDD-35 process work is the answer, but we may want to add a Principals review committee on top to acknowledge that we understand the problem.

2. The Report (Chap. 4) also proposes a Principals Committee on Global Crime. This committee would develop and coordinate strategies to counter threats to our national security from drugs, terrorism, weapons proliferation and

ONDCP-staffed committee of counternarcotics in association with McCaffrey's swearing in on March 8. Deciding to create a Principals Committee on Global Crime will require carving off the drug trade at a minimum. The report also calls for appointing the AG as the international spokesperson on law enforcement and several initiatives to invigorate cooperation between the intelligence and law enforcement communities. Most of these proposals should and are being looked at by a Tenet-Gorelick committee on coordination.

3. Chapters 5 and 6 recommend two deputy DCIs -- the senior one for community management, the other for the CIA -- in effect a third confirmation position, splitting George's job in two. Deutch's reaction will be that he wants a principal deputy who covers both community and CIA issues but would accept two confirmation deputies underneath the DDCI as a proposal.

4. The Commission puts forward (Chap. 9) a one time, one-year downsizing proposal which Brown believes is all the traffic will bear. Senator Warner dissents in the report to even this proposal. As we discussed earlier with Brown, Deutch wants an open-ended authority that has complete flexibility. We will need a good legislative strategy for any proposal.

5. Brown essentially punts on any DOD intel reorganization (Chap. 10), except to propose that all clandestine recruitment of agents be moved out of the Defense HUMINT Service (Kerrick's organization) to CIA. In fact, this effort is already underway and should be completed in two years.

6. The Report recommends declassifying the top line of the intel budget, including the CIA and all Defense intel funds, but draws the line at any disaggregation. The intel community was considering such a proposal last fall and will pick it up again with the presumption of revealing the figure.

A draft press statement is at Tab II.

RECOMMENDATION

That you sign the memo to the President at Tab I.

Attachments

Tab I Memorandum to the President
 Tab A Talking Points
 Tab B Executive Summary
 Tab C Memo from John Deutch
Tab II Press Statement

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

2599

*Prescribed from
30095*

April 14, 1996

Cheron

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: R. RAND *BEERS*/JAMI MISCIK *M*
SUBJECT: Response to the Aspin-Brown Commission Report

Attached at Tab I is the memo to the President forwarding John Deutch's recommendations on the Brown Commission Report. As you know, John adopts most of the major recommendations, but modifies several either to strengthen them or to recognize work that was already underway or completed after the Brown Report was finished. As you will see in the memo the NSC staff has made some modifications to the recommendations as well, for example, on the issue of DCI concurrence in key intelligence community appointments and on the issue of who should chair the proposed Consumers Committee subject to Sandy's conversation with Leon Fuerth. Because the latter issue has yet not been settled, the President's memo remains in draft.

You sent a separate scheduling memo to the President proposing an announcement of the Administration's response to the Brown Report on April 23 or 24. We will prepare a draft set of Presidential remarks for the speechwriters by mid-week.

Should you choose to go forward with the recommendation that the DCI have concurrence in the appointments of the heads of the various intelligence agencies outlined in the memo, we have attached some suggested talking points for you or the President to use with the Secretaries of Defense and State and the Attorney General and FBI Director.

Concurrences (in substance) by: James Baker, Richard Clarke

RECOMMENDATION

That you forward the memo to the President at Tab I.

Attachments

- Tab I Memo to the President
- Tab A Letter from John Deutch
- Tab B Summary of the IC Response to the Brown Report
- Tab II Talking Points on "Concurrence"

CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. note	Todd Stern to the President (1 page)	04/23/1996	P5
001b. memo	Anthony Lake to the President, re: Response to the Aspin-Brown Commission Report (4 pages)	04/22/1996	P5
001c. memo	John Deutch to the President, re: Intelligence Community Response to the Aspin-Brown Commission and Recommendations for an Administration Initiative (6 pages)	04/22/1996	P5
001d. list	Informal Summary of Individual Brown Proposals (6 pages)	ca. 04/1996	P5
001e. memo	R. Rand Beers to Jami Miscik to Anthony Lake, re: Response to the Aspin-Brown Commission Report (1 page)	04/14/1996	P5
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002d. list	Informal Summary of Individual Brown Proposals (6 pages)	ca. 04/1996	P5
002e. talking points	Talking Points (1 page)	ca. 04/1996	P5
003. memo	Leon Fuerth to Samuel Berger, re: Brown Commission Report (2 pages)	04/16/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Intel-Beers
OA/Box Number: 2498

FOLDER TITLE:

Brown Commission Report & Combest Report, 1996 [2]

Kara Ellis
2006-1023-F
ke783

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. email	Peter Bass to Rand Beers, re: NIMA (1 page)	04/20/1996	P5
004b. memo	Anthony Lake to the President, re: Response to the Aspin-Brown Commission Report (4 pages)	ca. 04/1996	P5
005. fax	Coversheet to Randy Beers [partial] (1 page)	04/18/1996	b(2)
006a. memo	George J. Tenet to Tony Lake, re: Aspin-Brown Commission Report (1 page)	04/09/1996	P1/b(1)
006b. memo	John Deutch to the President, re: Intelligence Community Response to the Aspin-Brown Commission and Recommendations for an Administration Initiative (6 pages)	04/05/1996	P5

COLLECTION:

Clinton Presidential Records
National Security Council
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Brown Commission Report & Combust Report, 1996 [2]

Kara Ellis
2006-1023-F
ke783

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

30095
2599

April 14, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: R. RAND BEERS/JAMI MISCIK

SUBJECT: Response to the Aspin-Brown Commission Report

Attached at Tab I is the memo to the President forwarding John Deutch's recommendations on the Brown Commission Report. As you know, John adopts most of the major recommendations, but modifies several either to strengthen them or to recognize work that was already underway or completed after the Brown Report was finished. As you will see in the memo the NSC staff has made some modifications to the recommendations as well, for example, on the issue of DCI concurrence in key intelligence community appointments and on the issue of who should chair the proposed Consumers Committee subject to Sandy's conversation with Leon Fuerth. Because the latter issue has yet not been settled, the President's memo remains in draft.

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Should you choose to go forward with the recommendation that the DCI have concurrence in the appointments of the heads of the various intelligence agencies outlined in the memo, we have attached some suggested talking points for you or the President to use with the Secretaries of Defense and State and the Attorney General and FBI Director.

Concurrences (in substance) by: ^{PENDING} James Baker, Richard Clarke

RECOMMENDATION

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Tab I Memo to the President
Tab A Letter from John Deutch
Tab B Summary of the IC Response to the Brown Report
Tab II Talking Points on "Concurrence"

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x 47344

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

2599

*Reimbursed from
30095-*

April 14, 1996

*Aspin
Brown*

ACTION

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FROM: R. RAND ~~BEERS~~ BEERS/JAMI MISCIK
SUBJECT: Response to the Aspin-Brown Commission Report

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Norman, Marcia G.

From: Bass, Peter E. at Trip
To: Beers, Rand R; @INTEL - Intelligence Programs
Cc: /R Record at A1
Subject: RE: NIMA [UNCLASSIFIED]
Date: Saturday, April 20, 1996 3:02AM

I have revised your draft memo (revised version of ²⁵⁹⁹~~30095~~) on Response to Aspin-Brown commission report to reflect this e-mail, by adding the sentence: "(The one exception is that Bill Perry agrees to DCI concurrence on the NIMA appointment.)" in the next-to-last paragraph on p.2, after the phrase "... but all other agency heads disagree."

From: Beers, Rand R
To: Bass, Peter E. at Trip; Cicio, Kristen K. at Trip; Veit, Katherine M. at Trip; Soderberg, Nancy E.
CC: /R, Record at A1
Subject: NIMA [UNCLASSIFIED]
Date: Thursday, April 18, 1996 06:31 PM

Tony,

Nora Slatkin called today to report that John Deutch and Bill Perry had resolved the staff differences on the nomination of the Director of NIMA. They agreed that: SecDef shall, with DCI concurrence, recommend to the President the individual for such appointment. If the DCI does not concur, SecDef may still recommend but must note the absence of the DCI's concurrence in so doing.

While the NIMA issue is now resolved, George and Nora both confirmed that the broader concurrence issue with DOD (and other agencies), i.e., DIA, NSA, NRO, INR and FBI, was not resolved or even raised. The larger issue still requires a Presidential decision.

updated version - changed on g.dune to reflect additional sentence.

NOTE: all references to 30095 have been changed to reflect the new control # 2599.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. chart	Summary of Reports on the Roles and Capabilities of the U.S. Intelligence Community (2 pages)	ca. 1996	P5
002. memo	Jami to Randy, re: Thoughts on the Brown Commission Report (3 pages)	02/24/1996	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Intel - Mitchell
OA/Box Number: 3035

FOLDER TITLE:

Aspin - Brown [3]

Kara Ellis
2006-1023-F
kel455

RESTRICTION CODES

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Summary of Reports on the Roles and Capabilities of the US Intelligence Community

CATEGORIES	Recommendations	Comments	Recommendations	Comments	SECRET DEF RESPONSE
The Need To Maintain an Intelligence Capability	Maintain strong intelligence capability	Should be included in reduced RDP budget			
The Role of Intelligence	Maintain capability for covert action				
The Need for Policy Guidance	<p>Create new inter-agency committee (NSIC) to coordinate intelligence, security, and foreign policy issues, including the need for intelligence to be used in foreign policy decisions.</p> <p>Establish an inter-agency committee (NSIC) to coordinate intelligence, security, and foreign policy issues, including the need for intelligence to be used in foreign policy decisions.</p> <p>Establish an inter-agency committee (NSIC) to coordinate intelligence, security, and foreign policy issues, including the need for intelligence to be used in foreign policy decisions.</p>	<p>Need to coordinate efforts to ensure proper use of intelligence (NSIC) to be the job of the NSIC, not the State Dept. or the NSIC. (NSIC) should be established as a permanent NSIC, not a temporary NSIC.</p> <p>Need to coordinate efforts to ensure proper use of intelligence (NSIC) to be the job of the NSIC, not the State Dept. or the NSIC. (NSIC) should be established as a permanent NSIC, not a temporary NSIC.</p> <p>Need to coordinate efforts to ensure proper use of intelligence (NSIC) to be the job of the NSIC, not the State Dept. or the NSIC. (NSIC) should be established as a permanent NSIC, not a temporary NSIC.</p>			
The Need for a Coordinated Response to Global Crime	<p>Establish Global Crime Commission (NSIC) to coordinate intelligence, security, and foreign policy issues, including the need for intelligence to be used in foreign policy decisions.</p> <p>Improve the relationship between intelligence and law enforcement.</p>	<p>Global crime, which is being done in a very coordinated manner.</p> <p>NSIC should be established as a permanent NSIC, not a temporary NSIC.</p> <p>NSIC should be established as a permanent NSIC, not a temporary NSIC.</p> <p>NSIC should be established as a permanent NSIC, not a temporary NSIC.</p>			
The Organizational Arrangement for the Intelligence Community	<p>Reduce the size of the NSIC, NSIC, and NSIC.</p> <p>Reduce the size of the NSIC, NSIC, and NSIC.</p> <p>Reduce the size of the NSIC, NSIC, and NSIC.</p>	<p>Reduce the size of the NSIC, NSIC, and NSIC.</p> <p>Reduce the size of the NSIC, NSIC, and NSIC.</p> <p>Reduce the size of the NSIC, NSIC, and NSIC.</p>	<p>Reduce the size of the NSIC, NSIC, and NSIC.</p> <p>Reduce the size of the NSIC, NSIC, and NSIC.</p> <p>Reduce the size of the NSIC, NSIC, and NSIC.</p>		
The Central Intelligence Agency	<p>Improve the role of the CIA.</p> <p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p>	<p>Improve the role of the CIA.</p> <p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p>	<p>Improve the role of the CIA.</p> <p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p>		
Need for More Effective Budget Structure and Process	<p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p>	<p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p>	<p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p> <p>Reduce the size of the CIA.</p>		

Summary of Reports on the Roles and Capabilities of the US Intelligence Community

CATEGORIES	SENATE COMMISSION		HC 21		DOJ/SEC DEF RESPONSE
	Recommendations	Comments	Recommendations	Comments	
Improving Intelligence Analysis	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>			
Need to "Right Size" Rebuild IC	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>			
Military Intelligence	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>			
Space Reconnaissance and Management of Technical Collection	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>			
International Cooperation	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>			
Cost of Intelligence	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>			
Accountability and Oversight	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>	<p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p> <p>Establish a new office for the chief of intelligence analysis within the NSAS.</p>			

2/24/96

TO: Randy

FROM: Jami

SUBJECT: Thoughts on the Brown Commission Report

Biggest Items for NSC Concern

- **Proposed new mission for NSC** "it should be the institutional role of the NSC -- but not NSC staff by itself -- to assess, from time to time, the performance of the IC in satisfying their substantive needs as policymakers, reporting its conclusions, as appropriate, to the President." (p.32)
- **Creation of the Committee on Foreign Intelligence (CFI)** to be chaired by the National Security Advisor. Would meet semi-annually to provide guidance on priorities, intelligence activities, and requirements. DCI, SecState, and SecDef members. This office would probably staff, i.e. agendas etc. (p.33) [*Question: how is this significantly different than the function -- not the membership -- of the Zero Committee?*]
- **Creation of a Consumers Committee**, subordinate to CFI, chaired by Sandy. Members at Undersecretary level. Should meet at least monthly. Again, we would likely staff. [*Caveat: would need to make sure that membership doesn't devolve to "traditional meeting goers" like the old FIRCAPS*] (p. 33)
- **Executive Order** to establish a Global Crime Committee of the National Security Council to direct the USG's actions against transnational activities. Senior member of NSC should be appointed as a Global Crime Committee Coordinator. [*Dick?*] Committee should develop improved procedures to ensure increased sharing of relevant information between the law enforcement and intelligence communities. (p.39)
- **Executive Order** to clarify that intel agencies with collection capabilities may collect information about non-U.S. persons outside the United States at the request of a U.S. law enforcement agency. (p.45)

- **Executive Order** to govern intelligence activities, basically a new 12333. Should include the organizational, procedural and managerial changes outlined by the Commission. (p.140)
- **Reexamine PDD-23** which outlines the U.S. policy on selling satellites to foreign entities. In particular, the shutter control policy needs to be rethought with regard to U.S. economic competitiveness. (p.120) *[We should figure where the Space Policy Board is on this or is this an issue they aren't covering?]*
- **IOB should have more independence from PFIAB** because its functions are qualitatively different. (p.145) *[Need to figure out how this squares with the IOB-PFIAB changes you, Jamie, and Sandy are discussing.]*

Other Key Points in the Report

Organizational Change of the IC:

- **Statutory Authority** to have two DDCIs one for IC and one for CIA. Both would require Senate confirmation. Terms would be no more than 6 years, reappointed by the President for two-year terms (similar to JCS model.) Would provide more continuity at top. (p.56)
- DCI would be given concurrence role in appointing head of NSA, NRO, and CIO or NIMA. These individuals would be dual-hatted as Assistant DCIs for SIGINT, and IMINT. (P.56)
- **Statutory Authority** to provide one-time "rightsizing" authority to the DCI to revamp the workforce. (p.99) *[[Its going to be extremely controversial, but its a good idea. It should be generous as the need to eliminate positions was not caused by the incumbents of those positions. (p.100) The idea to use more people on personal service contracts (p.97) is a good way to get expertise when you need it without signing these people up permanently. The statement that intelligence agencies hiring employees for lifetime careers may no longer be sustainable (p.97) is going to be difficult to hear, but its true.]*
- **Statutory Authority** to establish a Senior Intelligence Service for the IC under the overall management of the DCI. The idea is to make SIS interchangeable across the Community. (p.104)

[The reality is that SIS officers are still treated as property of the office that promoted them, not even as officers of the Directorate, let alone across the Agency, let alone across the Community. The idea on p. 103 recommending that at least one rotational assignment to another agency within the IC be established as a prerequisite for promotion to SIS needs more thought -- a DI officer is already supposed to do a rotational out of their directorate and a rotational to a policy agency before becoming SIS, raising the question: exactly which years are they supposed to work as an analyst and a junior manager?]

Changes to the budgetary process:

- Restructure the budget along discipline-oriented programs: SIGINT, HUMINT, IMINT, and MASINT each with single program manager. Motive is to reduce duplication and inefficiencies. (p.75)
- The president should disclose the overall budget figure in his annual budget submission or in an unclassified letter to the oversight committees. (p.142)

not full
senior people

3/4

day

Why NIHA? NSA good model D-P

role of open source BH

Consumer driven
don't know what want
anticipate needs

Gen. H. DCI - SecDef relationship

Gen. H. I don't agree w/ everything

Hot Spots Response
more open

Jeff S. LE - IC

→ Zae Comm to Coord. CINC

Jeff S. SHO/IE Big Brother fear

CLINTON LIBRARY PHOTOCOPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. note	Todd Stern to the President (1 page)	04/23/1996	P5
001b. memo	Anthony Lake to the President, re: Response to the Aspin-Brown Commission (4 pages)	04/22/1996	P5
001c. memo	John Deutch to the President, re: Intelligence Community Response to the Aspin-Brown Commission and Recommendations for an Administration Initiative (6 pages)	04/05/1996	P5
001d. list	Informal Summary of Individual Brown Proposals (6 pages)	ca. 04/1996	P5
001e. memo	R. Rand Beers and Jami Miscik to Anthony Lake, re: Response to the Aspin-Brown Commission Report (1 page)	04/14/1996	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Adviser - Derosa
OA/Box Number: 3113

FOLDER TITLE:

Roles & Missions Commission (Aspin) - Alan Kreczko, NSC Staff [1]

Kara Ellis
2006-1023-F
ke1456

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

30093
2599

April 14, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: R. RAND ~~BEERS~~/JAMI MISCIK
SUBJECT: Response to the Aspin-Brown Commission Report

Attached at Tab I is the memo to the President forwarding John Deutch's recommendations on the Brown Commission Report. As you know, John adopts most of the major recommendations, but modifies several either to strengthen them or to recognize work that was already underway or completed after the Brown Report was finished. As you will see in the memo the NSC staff has made some modifications to the recommendations as well, for example, on the issue of DCI concurrence in key intelligence community appointments and on the issue of who should chair the proposed Consumers Committee subject to Sandy's conversation with Leon Fuerth. Because the latter issue has yet not been settled, the President's memo remains in draft.

You sent a separate scheduling memo to the President proposing an announcement of the Administration's response to the Brown Report on April 23 or 24. We will prepare a draft set of Presidential remarks for the speechwriters by mid-week.

Should you choose to go forward with the recommendation that the DCI have concurrence in the appointments of the heads of the various intelligence agencies outlined in the memo, we have attached some suggested talking points for you or the President to use with the Secretaries of Defense and State and the Attorney General and FBI Director.

Concurrences (in substance) by: ^{PENDING} James Baker, Richard Clarke

RECOMMENDATION

That you forward the memo to the President at Tab I.

Attachments

Tab I Memo to the President

Tab A Letter from John Deutch

Tab B Summary of the IC Response to the Brown Report

Tab II Talking Points on "Concurrence"

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	R. Rand Beers and Jami Miscik to Anthony Lake, re: Response to the Aspin - Brown Commission Report (1 page)	04/14/1996	P5
001b. memo	Anthony Lake to the President, re: Response to the Aspin-Brown Commission Report (4 pages)	ca. 04/1996	P5
001c. memo	John Deutch to the President, re: Intelligence Community Response to the Aspin-Brown Commission and Recommendations for an Administration Initiative (6 pages)	04/05/1996	P5
001d. list	Informal Summary of Individual Brown Proposals (6 pages)	ca. 04/1996	P5
001e. talking points	Talking Points (1 page)	ca. 04/1996	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Adviser - Derosa
OA/Box Number: 3113

FOLDER TITLE:

Roles & Missions Commission (Aspin) - Alan Kreczko, NSC Staff [2]

Kara Ellis
2006-1023-F
ke1457

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

2599

April 14, 1996

*Renumbered
from 30095
Pls listy
previous ops.*

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: R. RAND ^BBEERS/JAMI MISCIK

SUBJECT: Response to the Aspin-Brown Commission Report

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Concurrences (in substance) by: James Baker, Richard Clarke

RECOMMENDATION

That you forward the memo to the President at Tab I.

Please file

*Roles & Missing
Commission*

Attachments

Tab I Memo to the President
Tab A Letter from John Deutch
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Tab II Talking Points on "Concurrence"

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Fulton T. Armstrong to Janice B. Gardner, re: Brown Commission (1 page)	03/15/1996	P1/b(1)
002. email	Ardenia Hawkins to Peter Bass, et al., re: Brown Commission (4 pages)	04/04/1996	P5
003. email	Rand Beers to Peter Bass, et al., re: Deutch NIMA Memo (1 page)	04/16/1996	P5
004. email	Judith Miscik to Jane Baker, et al., re: Revise (shortened) Brown Report Memo (6 pages)	04/18/1996	P5
005. email	Jodi Kessinger to Rand Beers, re: NES Note (1 page)	04/18/1996	P5
006. email	Peter Bass to Cathy Millison and Katherine Veit, re: Revised (shortened) Brown Report Memo (6 pages)	04/20/1996	P5
007. email	Edward J. Appel to Rand Beers, re: policy (1 page)	04/24/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MSMail-Record (Sept 94-Sept 97) ([Aspin Brown Commission])
 OA/Box Number: 590000

FOLDER TITLE:

[03/03/1996 - 04/24/1996]

Kara Ellis
 2006-1023-F
 ke790

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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M S M a i l

DATE-TIME 04 April 96 13:06

FROM Hawkins, Ardenia R.

CLASSIFICATION UNCLASSIFIED

SUBJECT Brown Commission [UNCLASSIFIED]

TO Bass, Peter E.
Cicio, Kristen K.
Hall, Wilma G.
Veit, Katherine M.
Wiley, Mary C.

CARBON_COPY Beers, Rand R.
Norman, Marcia G.

TEXT_BODY [[BROWN2.DOC : 3393 in BROWN2.DOC]]please find attached an
information
memo to Mr. Berger regarding his questions on the Brown Commission Report.

**ATTACHMENT
FILE DATE** 4 April 96 12:57

**ATTACHMENT
FILE NAME** BROWN2.DOC

April 4, 1996

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: JAMI MISCIK

SUBJECT: Status of Brown Commission Recommendations

As you know Randy is on leave, but let me try to answer at least
some of your questions on where we stand on the Brown Commission
Report. Randy has been a member of the DCI's intelligence
community
working group that studied the Brown Commission recommendations

and helped to formulate some of the responses. As the DCI stated at the weekly meeting on Wednesday, George Tenet will be bringing a formal response to you and Tony sometime next week. What follows is my understanding of the tentative recommendations likely to be included in the DCI's letter.

On the need for improved policy guidance the DCI is leaning toward adopting recommendations through executive order to:

☐ Establish a Committee of Foreign Intelligence chaired by the National Security Advisor; members would include the DCI, SecState, and SecDef -- the Commission had recommended Deputy Secretary representation -- the AG, the Chairman of the JCS. This would be established by an executive order; the committee would meet semi-annually to set intelligence priorities.

☐ Establish a Consumers Committee as recommended by the Commission. This committee would take over the functions of the PDD-35 group, which is now chaired by Leon Fuerth.

☐ The DCI is leaning toward establishing a committee on Global Crime, but believes it should be co-chaired by the Deputy Secretary of State and Deputy Attorney General -- not the National Security Advisor as the Commission suggested.

On other issues related to law enforcement:

☐ He supports the recommendation that the Attorney General should be the principal spokesperson on law enforcement issues and global crime, and believes that this should be achieved by Presidential designation.

Regarding the Organization of the Intelligence Community:

☐ He differs with the Commission's recommendation of two deputies in place of the one he has now. He would rather keep the current structure of one principal deputy and will recommend creating two additional deputies one for CIA and one for the Community Management function. Both would be Presidential appointees and

require Senate confirmation.

☐ He is leaning toward a recommendation of his own to create an Associate Director for International Support. The Commission does cite the need to pay closer attention to diplomatic and international cooperation matters. The DCI could establish this using his own authorities.

On Budget/Manpower Issues:

☐ He believes it is unlikely that Congress will approve the Commission's "rightsizing" recommendation -- a one-time authority to downsize the civilian work force. As such, in addition to the rightsizing proposal he will propose submitting a request for a waiver of the 2% reduction in annuities for early retirements for NSA employees. (the proposed legislation has OMB approval.)

☐ He supports the Commission's recommendation to disclose the overall intelligence community budget figure -- after the appropriations conference report is approved by the Congress.

☐ He prefers his newly adopted plan of "mission-based" budget execution as opposed to Commission's proposal to do "discipline-based" budgeting.

On Military Intelligence:

☐ The Commission recommended moving DHS (Defense HUMINT Service) to CIA. The DCI appears to adopt this in general terms by establishing a "joint defense unit" within CIA's Directorate of Operations. This will be done by SecDef/DCI directives.

☐ The Brown Commission recommended moving the J-2 from DIA to the Joint Staff. DOD believes the J-2 assignment can be addressed through a memorandum of understanding.

One major recommendation on which agreement is unlikely is the strengthening of DCI authorities through DCI concurrence in the appointment of the Directors of NSA, NRO, and CIO or the new NIMA, and DCI consultation in the appointments of DIA, INR, Asst. Director of the FBI for National Security and DOE's Director of the Office of Nonproliferation and National Security. Although the DCI would like the concurrence authority, his counterparts would resist, the DCI

believes it is not worth going through an acrimonious process to reach an Administration position on this point. (No action/status quo)

There were a number of other recommendations made by the Brown Commission on which I do not know if the DCI has formulated a response. These include recommendations to:

- ☐ Strengthen intelligence analysis
- ☐ Undertake a comprehensive review of the size and missions of the military intelligence organizations.
- ☐ Appoint the Deputy for CIA to a fixed 6-year term.
- ☐ Reexamine current restrictions on the licensing of commercial imaging systems for foreign sales.
- ☐ Review the current charter of the Intelligence Oversight Board to ensure effective performance of oversight functions

Change the appointments to Congressional oversight committees to open ended terms or at least make the terms of service no less than 10 years.

I hope this helps. Again, this is my sense of where things are heading in terms of a response to the Brown Commission. Obviously since the response is still being drafted, this is subject to change.

M S M a i l

DATE-TIME 16 April 96 10:03
FROM Beers, Rand R.
CLASSIFICATION UNCLASSIFIED
SUBJECT Deutch NIMA Memo [UNCLASSIFIED]
TO Bass, Peter E.
Cicio, Kristen K.
Millison, Cathy L.
Veit, Katherine M.
CARBON_COPY Baker, Jane E.
Baldwin, Kenneth
Friedrich, M. K.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Miscik, Judith A.

TEXT_BODY

Peter,

Nancy passed to me that Perry had left Japan before Tony or anyone could talk to him (Perry) about the memo on NIMA which John had sent Perry and Shali and copied to us. The Deutch memo indicated John's serious concern that the entire NIMA initiative and the draft legislative proposal were coming apart because DOD was reneging on its earlier agreement in principle to have the DCI concur on SECDEF's nomination of the NIMA Director. Since the DCI's concurrence on the appointment of the Director of NIMA is but one appointment in the much larger concurrence issue in the Brown Commission report and since we are recommending to the President that he tell Perry that he wants John to concur on all the intel appointments, we should not have Tony engage Perry until the President has decided on the larger issue. You should, however, show the letter to Tony for his background as part of the context for presenting the larger "concurrence" issue to the President.

M S M a i l

DATE-TIME 18 April 96 12:10
FROM Miscik, Judith A.
CLASSIFICATION ***** CLASSIFICATION NOT FOUND *****
SUBJECT FW: Revised (shortened) Brown Report MemoUNCLASSIFIED]
TO Baker, Jane E.
Cicio, Kristen K.
Veit, Katherine M.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

I should have cc'd you all when I sent this to Peter earlier. Sorry, my screw-up. Thanks.

From: Miscik, J.(Jami) A.
To: Bass, Peter E. at Trip
CC: /R, Record at A1
Subject: Revised (shortened) Brown Report MemoUNCLASSIFIED]
Date: Thursday, April 18, 1996 10:10 AM

[[30095BR.DOC : 3139 in 30095BR.DOC]]

Peter--

Randy has revised the memo following his conversation with Tony yesterday. Its substantially shorter. If you have any questions, let me know.

Jami

**ATTACHMENT
FILE DATE** 18 April 96 10:0

**ATTACHMENT
FILE NAME** 30095BR.DOC
30095
cc: Vice President
Chief of Staff

CLINTON LIBRARY PHOTOCOPY

M S M a i l

DATE-TIME 18 April 96 17:56
FROM Kessinger, Jodi
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: NES Note [UNCLASSIFIED]
TO Beers, Rand R.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Note from Nancy (although I think she probably already told you this!)

"Scott is saying Perry is now on board, so there's nothing to overrule him on. Let's talk."

From: Beers, Rand R
To: Kessinger, Jodi
CC: /R, Record at A1; Miscik, J.(Jami) A.
Subject: RE: NES Note [UNCLASSIFIED]
Date: Thursday, April 18, 1996 11:18 AM

"may" have solved is the operative word. When last I left this issue, Deutch and Perry needed to talk to close the deal. In any case, we have NEVER needed a Presidential decision on the NIMA issue ALONE. There is a much broader decision on the issue of concurrence by John Deutch on all DOD intel agency leadership recommendations. i.e., NIMA, NRO, NSA, DIA. Whether

Deutch and Perry agree on NIMA, the Brown Commission recommended concurrence on a larger number of appointments, and Tony wants to ask the President to overrule Perry, et al, on this issue. This decision is part of the larger Brown Commission package, the current version of which you will be receiving shortly for Nancy. Jami sent her an earlier version of the paper two days ago. The redraft was requested by Tony last night.

From: Kessinger, Jodi
To: Beers, Rand R
CC: /R, Record at A1; Harmon, Joyce A.
Subject: NES Note [UNCLASSIFIED]
Date: Thursday, April 18, 1996 08:59 AM

Scott Harris said they have solved the NIMA issue. Can you check? We may not need POTUS decision.

CLINTON LIBRARY PHOTOCOPY

M S M a i l

DATE-TIME 20 April 96 02:35
FROM Bass, Peter E.
CLASSIFICATION ***** CLASSIFICATION NOT FOUND *****
SUBJECT FW: Revised (shortened) Brown Report MemoUNCLASSIFIED]
TO Millison, Cathy L.
Veit, Katherine M.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

From: Miscik, J.(Jami) A.
To: Bass, Peter E. at Trip
CC: /R, Record at A1
Subject: Revised (shortened) Brown Report MemoUNCLASSIFIED]
Date: Thursday, April 18, 1996 10:31 AM

[[30095BR.DOC : 861 in 30095BR.DOC]]

Peter--

Randy has revised the memo following his conversation with Tony yesterday.
Its substantially shorter. If you have any questions, let me know.

Jami

ATTACHMENT
FILE DATE

18 April 96 10:0

ATTACHMENT
FILE NAME

30095BR.DOC
30095
cc: Vice President
Chief of Staff

ACTION

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Marcia G. Norman to William C. Danvers, re: First Draft of memo (2 pages)	02/16/1996	P1/b(1)
002. email	Richard Clarke to Rand Beers, et al., re: Priorities (2 pages)	04/11/1996	P1/b(1)
003. email	Judith Miscik to Jane Baker, et al., re: Revised (shortened) Brown Report Memo (6 pages)	04/18/1996	P5
004. email	Marcia Norman to Richard Wilhelm, re: Brown Memos (7 pages)	04/23/1996	P5
005. email	Ardenia Hawkins to William Davis, re: concurrences, please (4 pages)	07/03/1996	P5
006. email	Richard Clarke to James Eisenhower, re: PC Meeting (2 pages)	07/11/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MSMail-Non-Record (Sept 94-Sept 97) ([Aspin Brown Commission])
 OA/Box Number: 605000

FOLDER TITLE:

[02/16/1996 - 07/11/1996]

Kara Ellis
 2006-1023-F
 kc793

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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M S M a i l

DATE-TIME 18 April 96 12:46
FROM Miscik, Judith A.
CLASSIFICATION ***** CLASSIFICATION NOT FOUND *****
SUBJECT FW: Revised (shortened) Brown Report MemoUNCLASSIFIED]
TO Baker, Jane E.
Dohse, Fred J.
Friedrich, M. K.
Harmon, Joyce A.
Hilliard, Brenda I.
Joshi, M. Kay
Kessinger, Jodi
Millison, Cathy L.
Sens, Andrew D.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Kay, per our conversation (Dee)

From: Miscik, J.(Jami) A.
To: Cicio, Kristen K. at Trip; Veit, Katherine M. at Trip; Baker, Jane E. at Trip
CC: /R, Record at A1
Subject: FW: Revised (shortened) Brown Report MemoUNCLASSIFIED]
[UNCLASSIFIED]
Date: Thursday, April 18, 1996 12:10 PM

[[30095BR.DOC : 3098 in 30095BR.DOC]]

I should have cc'd you all when I sent this to Peter earlier. Sorry, my screw-up. Thanks.

From: Miscik, J.(Jami) A.
To: Bass, Peter E. at Trip
CC: /R, Record at A1
Subject: Revised (shortened) Brown Report MemoUNCLASSIFIED]
Date: Thursday, April 18, 1996 10:10 AM

Peter--

Randy has revised the memo following his conversation with Tony yesterday. Its substantially shorter. If you have any questions, let me know.

CLINTON LIBRARY PHOTOCOPY

April 14, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: R. RAND BEERS/JAMI MISCIK

SUBJECT: Response to the Aspin-Brown Commission Report

Attached at Tab I is the memo to the President forwarding John Deutch's recommendations on the Brown Commission Report. As you know, John adopts most of the major recommendations, but modifies several either to strengthen them or to recognize work that was already underway or completed after the Brown Report was finished.

As you will see in the memo the NSC staff has made some modifications

to the recommendations as well, for example, on the issue of DCI concurrence in key intelligence community appointments and on the issue of who should chair the proposed Consumers Committee subject to

Sandy's conversation with Leon Fuerth. Because the latter issue has

yet not been settled, the President's memo remains in draft.

You sent a separate scheduling memo to the President proposing an announcement of the Administration's response to the Brown Report on

April 23 or 24. We will prepare a draft set of Presidential remarks

for the speechwriters by mid-week.

Should you choose to go forward with the recommendation that the DCI

have concurrence in the appointments of the heads of the various intelligence agencies outlined in the memo, we have attached some suggested talking points for you or the President to use with the Secretaries of Defense and State and the Attorney General and FBI Director.

Concurrences (in substance) by: James Baker, Richard Clarke

RECOMMENDATION

That you forward the memo to the President at Tab I.

Attachments

Tab I Memo to the President

Tab A Memo from John Deutch

Tab B Summary of the IC Response to the Brown Report

Tab II Talking Points on "Concurrence"

M S M a i l

DATE-TIME 03 July 96 11:53
FROM Hawkins, Ardenia R.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: concurrences, please [UNCLASSIFIED]
TO Davis, William K.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

_thanks,

From: Hawkins, Ardenia R.
To: Burrell, Christina L.; Danvers, William C.
CC: /N, NonRecord at A1
Subject: FW: concurrences, please [UNCLASSIFIED]
Date: Wednesday, July 03, 1996 08:39 AM

[[PECKHAM.DOC : 2824 in PECKHAM.DOC]]

Sorry, but I can't remember whether we have received concurrence from you.
If possible can we get your clearance by noon today?

From: Hawkins, Ardenia R.
To: Kreczko, Alan J.; Danvers, William C.; Leary, William H.
CC: /N, NonRecord at A1; Beers, Rand R
Subject: concurrences, please [UNCLASSIFIED]
Date: Monday, June 24, 1996 05:46 PM

Please review/comment on the attached and respond to @INTEL by noon
tomorrow,
June 25: thanks, Dee

ATTACHMENT
FILE DATE 24 June 96 17:40

ATTACHMENT
FILE NAME PECKHAM.DOC

CLINTON LIBRARY PHOTOCOPY

Memo for TL

from beers

subject: Peckham Request for Access to PDD 35

Gardner Peckham, Foreign Policy Advisor to Speaker Gingrich, has requested the opportunity to read PDD 35 on Intelligence Priorities

(Tab A). The request originally arose during the Speaker's visit to

CIA last December when Deutch raised the subject with Gingrich. Deutch assured Peckham that he could read the document and then told

his Congressional Affairs office to take care of it.

Fortunately,

through Mike Andricos' involvement, the issue was referred to the NSC

as the agency responsible for providing access to such documents.

As a matter of course, the NSC does not allow access to PDDs other

than routine PDDs (such as PDD 2 on NSC organization which was released publicly) or unclassified PDDs. We and previous Administrations have, however, released PDDs upon the written request

by the Leadership or the Chairman or ranking minority member of a committee or subcommittee with appropriate jurisdiction.

Decisions

to grant access are made on a case by case basis. Access has been

granted only for the personal review of Members of Congress and senior committee staff.

Documents are then provided for review in the presence of an NSC staff member. Copies are not allowed, but notes may be taken.

Any

notes taken must be reviewed for classification by the NSC and returned by classified document receipt to the originator after appropriate classification.

As a matter of law, the President is constitutionally empowered to

assert an absolute executive privilege to protect information the production or disclosure of which could adversely affect the Nation's

security. In addition, the President can assert a qualified privilege with respect to deliberative presidential communications or

simply communications that he intends to be confidential.

Information covered by a qualified privilege may be withheld unless outweighed by a legitimate legislative need for the documents.

It is difficult to assert a State secrets privilege for PDD-35 when most of its contents have been discussed publicly, including by the President during his speech at CIA last summer. The President, however, might still assert a qualified privilege on the grounds that PDD-35 is a confidential communication to his advisors. Because the document in question is post decisional and the contents known, this⁴ is primarily a question of principle.

The arguments against disclosure:

☐ Legislative need for access to the document is limited. Its contents are essentially public. Access will yield little substantive benefit. The Speaker's interest was sparked simply by a remark by John Deutch during his visit to CIA.

☐ Providing the document will be cited as the basis for other requests for PDD-35 or other Presidential directives and will increase pressure on us to comply.

The arguments for disclosure:

☐ PDD-35 is a document written to convey our intelligence priorities. It has been briefed to relevant members of Congress, to the Aspin-Brown Commission and others. Its substance has been the basis for public discussion regarding the workings of the Intelligence Community. It has generated no controversy. Hiding the specific document from the Speaker's Foreign Policy Advisor gains no benefit and suggests that we have something to hide.

☐ The President can waive the privilege with respect to one PDD without necessarily waiving it with respect to others, especially in a case like this where the substance has been released publicly.

☐ We have a good story to tell. We have set real priorities for the Intelligence Community for the first time. We have modified our process based on a critique by the Aspin-Brown Commission by

creating the Consumers Committee (a renamed DC) and the Committee on Foreign Intelligence (a renamed PC). We are in the midst of our first annual review of priorities demonstrating that this is a dynamic process. That represents more systematic attention to priorities for the Intelligence Community than by any previous Administration.

Concurrences by: Alan Kreczko, William Leary and Bill Danvers

RECOMMENDATION

That we seek White House Counsel concurrence to show Peckham the document under existing procedures.

Approve _____ Disapprove _____

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	James Baker to Nicole Elkon, et al., re: DCI Statement on Budget (4 pages)	10/14/1997	P5
002. email	Joseph H. Marty to Bruce O. Riedel, re: Intern (2 pages)	10/27/1997	P6/b(6)
003. email	Cathy L. Millison to Beverly Roundtree, re: As Requested (12 pages)	02/02/1998	P1/b(1)
004. email	From Charlotte Knepper, re: Talking Points [partial] [National Security Act] (2 pages)	02/18/2000	P3/b(3)
005. email	James A. Smith to Donald A. Mitchell, re: Echelon (7 pages)	08/08/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97- Jan 01) ([Aspin Brown Commission])
OA/Box Number: 620000

FOLDER TITLE:

[09/18/1997 - 08/08/2000]

Kara Ellis
2006-1023-F
ke794

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

CLINTON LIBRARY PHOTOCOPY

Exchange Mail

DATE-TIME 10/14/97 8:56:19 AM

FROM Baker, James E.

CLASSIFICATION UNCLASSIFIED

SUBJECT DCI Statement on Budget [UNCLASSIFIED]

TO Elkon, Nicole L.
Kerrick, Donald L.
Quinn, Mary E.
McCarthy, Mary O.
Beers, Rand R.

CARBON_COPY Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Kreczko, Alan J.
Sparks, John E.

TEXT_BODY Some additional edits from Jim Steinberg just showed up in hard copy.
I have added them to the statement I circulated yesterday to CIA/OGC and DOD/GC. Two additional references to President have been deleted.
This will make George unhappy, as his staff were already commenting that the statement appeared to make the decision the DCI's. Indeed, in consultation with the President as stated in para. 3.

Whit
Peters informally reports that the Secretary of Defense is still opposed to release, but is probably not prepared to sign an affidavit himself, or convince George to do so. No final decision reached. (My read: Sounds like a moving target at this point. Unwise to consider this a cleared statement until our front office has spoken with Sec. Cohen directly.) Whit also believes Cohen will support some sort of legislative exemption for subordinate figures, while conscious that we do not want to undercut the argument that current classification authority is fully sufficient to protect numbers.

TRANSLATED_ATTACHMENT

DCI statement.doc
STATEMENT OF THE DCI ON
DISCLOSURE OF FY 1997 INTELLIGENCE BUDGET

In May, 1997, Steven Aftergood, on behalf of the Federation of American Scientists, filed suit under the Freedom of Information Act (FOIA) seeking to have the Central Intelligence Agency publicly release the total budget appropriation for intelligence for fiscal year 1997.

In order to defend this lawsuit, I, as head of the Intelligence Community, would have had to sign a declaration to the court that release of the figure in question could cause serious damage to the national security. I found that, in good conscience, I could not attest to that statement. Indeed, to do so would have conflicted with the view I had previously expressed in testimony to the Congress that release of the aggregate total would not, in and of itself, damage national security. I did express concern at the time I offered this assessment that release of the overall number might lead to further, more detailed disclosures -- and I still have this concern -- but I did not oppose release of the overall figure as such.

Following consultations on this matter with other agencies, and with the President, I am announcing that the aggregate amount appropriated for the intelligence and intelligence-related activities in fiscal year 1997, standing alone, can be declassified and released to the public. The President concurs in this decision.

In announcing this decision, I note that the Aspin-Brown Commission on the Roles and Capabilities of the U.S. Intelligence Community recommended disclosure of this figure to the President in its April, 1996 report. Several of my predecessors, including Robert Gates and John Deutch, have also supported such disclosure.

While the President had previously indicated his preference to take

such action
in concert with the Congress, the present circumstances do not allow
for this
sort of joint action. Congress is not a party to the FOIA lawsuit.

Our decision is premised upon two important points -- points which I
now wish to
explain and emphasize.

First, we will consider disclosure of future aggregate figures, but only
after
consideration of whether such disclosures could cause harm to the
national
security by showing trends over time.

Second, we will continue to protect from disclosure subsidiary
information
concerning the intelligence budget that is classified: whether the
information
concerns particular intelligence agencies or particular intelligence
programs.
In other words, the Administration intends to draw a firm line at the
top-line,
aggregate figure. Beyond this figure, there will be no other disclosures
of
currently classified budget information, which in our judgment could
harm
national security.

This issue has been debated for at least the last 23 years, occupying
the
attention of the courts, the Congress, and blue-ribbon commissions on
numerous
occasions. It is my hope that today's action will finally put the matter
to
rest. The American people will now be able to see for themselves how
much of the
federal budget goes for intelligence and intelligence-related functions.
I think
this is appropriate for our democracy so long as it does not jeopardize
the
ability of our intelligence agencies to carry out their mission
successfully in
support of US national security.

Accordingly, I acknowledge that the aggregate amount appropriated
for fiscal year
1997 is \$_____.

3

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Peter J. Boynton to Frederick M. Rosa, re: ICPC paper (10 pages)	06/06/1997	P1/b(1)
002. email	Steven Ward to Mary McCarthy, et al., re: FAS Letter Re: Congressional Disclosure of Intelligence Budget (4 pages)	03/02/1999	P5

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) ([Aspin Brown Commission])
OA/Box Number: 630000

FOLDER TITLE:

[06/06/1997 - 04/05/2000]

Kara Ellis
2006-1023-F
ke795

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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RR. Document will be reviewed upon request.

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Exchange Mail

DATE-TIME 3/2/99 1:19:46 PM
FROM Ward, Steven R.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: FAS Letter Re: Congressional Disclosure of Intelligence Budget
[UNCLASSIFIED]
TO McCarthy, Mary O.
Baker, James E.
Leary, William H.
CARBON_COPY Lackey, Miles M.

TEXT_BODY

I spoke to CIA/OGC about the FAS letter. After some time, they have come back to ask that we make no response at all to the FAS letter. Their view (which they claim Justice supports) is that because this matter is in litigation, the Administration response is appropriately made in CIA's court filings (Jamie, forgive me if I'm butchering the legal procedure here).

I suppose it would be rude not to respond at all, so perhaps I should just pen a note for Mary or Kerrick's signature acknowledging that the letter had been recieved.

-----Original

Message-----

From: Ward, Steven R.

Sent: Monday, March 01, 1999

1:24 PM

To: McCarthy, Mary O.; Baker, James E.; Leary, William H.

Cc: Lackey,

Miles M.

Subject: FAS Letter Re: Congressional Disclosure of Intelligence Budget [UNCLASSIFIED]

I'm preparing a response to the Federation of American Scientists about their request that the President reaffirm his position (expressed in the cited press release below) that the CONGRESS could disclose the intelligence budget request and appropriation. This is what the press release says, but my understanding has been that it is still a Presidential determination, made with the advice of the DCI.

The answer given to John Conyers recently regarding

the same issue would contradict the press release in that it makes clear that such a disclosure is the President's to make. I can finesse this, but does anyone know the history of the press release and the seeming shift regarding responsibility for disclosure?

We do not plan to send this up to the President, but will handle it at a lower level. It still needs to be clear about the White House view on this matter. FYI - FAS is suing CIA over this information, and this is a consideration for our response.

Thanks.

THE
WHITE HOUSE

Office of the Press Secretary

For Immediate Release April 23, 1996

STATEMENT BY THE
PRESS SECRETARY

Presidential Announcement on Intelligence Community
Reforms

Today the President is announcing several significant reforms for the Intelligence Community that will strengthen our intelligence capabilities as we move into the 21st Century. They build on the recommendations made in the Brown Commission Report on the Roles and Capabilities of the Intelligence Community and the Director of Central Intelligence's efforts to move the Intelligence Community forward to meet new challenges.

The reforms fall into three general categories: tightening links with the policy community, increasing Intelligence Community integration, and realigning intelligence resources. The President sees intelligence as a critical element of our national security and believes these reforms are crucial to strengthening our capabilities in the future. The President has authorized the following significant steps:

First, reflecting

the President's determination to promote openness in the Intelligence Community, he has authorized Congress to make public the total appropriation -- the bottom line figure -- for intelligence at the time the appropriations conference report is approved by Congress.

On the Policy Front

The President has authorized the formation of a cabinet-level Committee on Foreign Intelligence to establish priorities on long-term intelligence needs. In the same vein, he is also establishing a Committee on Global Crime, chaired by the National Security Advisor, to better facilitate cooperation between the intelligence and law enforcement communities.

To Increase IC Integration

The President has endorsed the addition of two Presidentially appointed Deputy Director positions, one to run CIA and one to oversee the Community Management Staff. This would be in addition to the current position of Deputy Director of Central Intelligence. These two new positions would require Senate confirmation.

Realigning Resources

The President has also endorsed the DCI's proposed personnel reforms that will allow the Intelligence Community to realign its resources to achieve the "skills mix" necessary to address future intelligence challenges, while meeting its downsizing goals.

Director

Deutch will be briefing the Congressional Intelligence Oversight Committees on these reforms over the next few days. He also has met with the Intelligence Community workforce to explain the proposed personnel reforms.

The President would like to once again extend his appreciation to Harold Brown and the Commission members for their hard work and sound recommendations. He is also grateful to Director Deutch for his stewardship of the Intelligence Community during these challenging times. These reforms, which will be accomplished through executive orders and legislation, will significantly enhance our intelligence capabilities and contribute greatly to our nation's security.

###

2